

IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANTS:

Amir Alon et al.

APPLICATION NO.:

09/497,373

FILING DATE:

February 3, 2000

TITLE:

METHOD AND APPARATUS FOR CREATING AND

MANAGING GROUPS FOR INCREASING BUYING POWER

ON THE WORLD WIDE WEB

EXAMINER:

Forest Thompson, Jr.

GROUP ART UNIT:

3625

ATTY. DKT. NO.:

22930-06086

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, DC 20231, on the date shown below:

Dated: January 31, 2003

 $\mathbf{R}_{\mathbf{V}}$

Thomás L. Ewing, Reg. No. 34,328

COMMISSIONER FOR PATENTS WASHINGTON, DC. 20231

INFORMATION DISCLOSURE STATEMENT Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material EMERGENT COCOMES 03457273

466.00

.

to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

s informa	ation Disclosu	re Statement is being filed:			
	within three months of the filing date of the application, or date of entry				
	into the nation	onal stage of an international application, or before the mailing			
	date of a firs	st office action on the merits, whichever event last occurred;			
	before the mailing of a first official action after the filing of a request for				
	continued ex	camination (RCE) under 37 CFR § 1.114;			
\boxtimes	after three months of the filing date of this national application or the date				
	of entry of the national stage in an international application, or after the				
	mailing date of the first official action on the merits, whichever ev				
	occurred, but before the mailing date of the first to occur of either: (1)				
	final action under 37 CFR §1.113; or (2) an action that otherwise closes				
	prosecution in the application, and:				
	attached hereto is the fee set forth under 37 CFR §1.17(p) for				
	subi	mission of this Information Disclosure Statement under 37			
	CFF	R.§ 1.97(c); OR			
	☐ App	olicant certifies pursuant to 37 CFR § 1.97(e) that:			
		each item of information contained in this Information			
		Disclosure Statement was first cited in a communication			
		from a foreign patent office in a counterpart foreign			
		application not more than three months prior to the filing of			
		this Statement; OR			
		no item of information contained in this Information			
	•	Disclosure Statement was cited in a communication from a			
		foreign patent office in a counterpart foreign application			
		and, to the knowledge of the person signing this			
		certification after making reasonable inquiry, no item of			
		information contained in this Statement was known to any			
		individual designated under 37 CFR § 1.56(c) more than			
		three months prior to the filing of this Statement;			
	on or before the payment of the issue fee but after the mailing date of the				
•	first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an				
	action that otherwise closes prosecution in the application, and:				

			Applic	ant certifies pursuant to 37 CFR. § 1.97(e) that:		
				each item of information contained in this Information		
				Disclosure Statement was cited in a communication from a		
				foreign patent office in a counterpart foreign application not		
				more than three months prior to the filing of this Statement;		
				or		
				no item of information contained in this Information		
				Disclosure Statement was cited in a communication from a		
				foreign patent office in a counterpart foreign application		
				and, to the knowledge of the person signing this		
				certification after making reasonable inquiry, no item of		
				information contained in this Statement was known to any		
				individual designated under 37 CFR § 1.56(c) more than		
				three months prior to the filing of this Statement; AND		
		\boxtimes	attache	ed hereto is the fee set forth under 37 CFR §1.17(p) for		
•			submis	ssion of this Information Disclosure Statement under 37		
			CFR.§	1.97(c); OR		
		after th	ne paym	ent of the issue fee. Applicant requests that the information		
		contain	ned in tl	nis Information Disclosure Statement be placed in the file		
	•		_	7 CFR § 1.97(i), although the information may not be		
			•	the USPTO.		
This application re				s, under 35 U.S.C. § 120, on the earlier filing date of prior		
			_	LICATION NUMBER], filed on [FILING DATE], and the		
				in are hereby referenced, but are not required to be provided		
				der 37 CFR § 1.98(d).		
	tion contained in this Information Disclosure Statement was					
				tion from a foreign patent office in a counterpart application,		
				on was not received by any individual designated in 37 CFR		
	§ 1.56(c) more than thirty days prior to the filing of this Information Disclosure					
	Statem	nent. 37	CFR §	1.704(d).		
				•		

Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Applicants wish to bring to Examiner's attention the following co-pending applications and issued patent:

- U.S. Patent Application No. 09/270,219, entitled "Demand Aggregation Through Online Buying Groups," filed on March 15, 1999, which is assigned to a common assignee;
- U.S. Patent Application No. 09/409,237, entitled "System and Method for Extension of Group Buying Throughout the Internet," filed on September 30, 1999, which is assigned to a common assignee;
- U.S. Patent Application No. 09/475,408, entitled "Demand Aggregation Through Online Buying Groups," filed on December 30, 1999, which is assigned to a common assignee;
- U.S. Patent Application No. 09/596,921, entitled "System and Method for Enhancing Buyer and Seller Interaction During a Group-Buying Sale," filed on June 19, 2000, which is assigned to a common assignee;
- U.S. Patent Application No. 09/863,801, entitled "Attaining Product Inventory Grouping for Sales in a Group-Buying Environment," filed on May 22, 2001; and
- U.S. Patent No. 6,101,484, which issued on August 8, 2000 in the names of Richard V. Halbert, Niklas Gustafsson and John M. Thrun, entitled "Dynamic Market Equilibrium Management System, Process and Article of Manufacture," formerly U.S. Application No. 09/281,859.

The entities which have a duty to disclose relevant information to the U.S. Patent and Trademark Office under 37 CFR 1.56 have a belief that third parties may possibly have pending applications directed towards the same general subject matter as the subject matter of the present application. However, these applications are secret in nature, and copies of the applications not generally available to the applicants or their representatives. Thus, Applicants are not able to provide copies of the applications with this Information Disclosure Statement ("IDS"), in all cases, and they do not necessarily know the actual subject matter of these third party applications.

Therefore, in accordance with the duty of disclosure, applicants are providing publications, listed on the attached Form PTO/SB/08A, which proclaim that third parties have patent applications. Descriptions of the possible applications which may be related to the present

application are set forth below with reference to the documents listed on the attached Form PTO/SB/08A, where applicable. The information provided herein may allow the PTO to identify the third party applications, and determine if they are prior art, and/or relevant to the present application including determining if they are relevant for interference purposes. The possible third party applications are:

- 1. Applications to Jonathan Ehrlich, et al., entitled "Aggregating On-Line Purchase Requests," U.S. Provisional Application 60/118,189 filed on February 1, 1999 and U.S. Application 09/249,727 filed on February 13, 1999; assigned to Accompany, Inc. Accompany, Inc. is believed to have changed its name to Mobshop, Inc. (Applicants have enclosed a copy of PCT No. WO 00/45318, which claims priority from the above mentioned U.S. applications.)
- 2. Applications to Albert R. Subbloie, Jr., et al., entitled "Electronic Commerce Search, Retrieval and Transaction System"; believed to be U.S. Applications 09/191,564 filed on November 13, 1998 and 09/289,322 filed on April 9, 1999; assigned to Buyingedge.com Inc. (Applicants have enclosed a copy of PCT No. WO 00/30004, which claims priority from the above mentioned U.S. applications.)
- 3. An Application to Albert R. Subbloie, Jr., et al., entitled "Electronic Commerce Search, Retrieval and Transaction System"; believed to be U.S. Application 09/191,564 filed on November 13, 1998; assigned to Buyingedge.com Inc. (Applicants have enclosed a copy of PCT No. WO 00/30005, which claims priority from the above mentioned U.S. application.)
- 4. An Application to Jay S. Walker, et al., entitled "Customer Profit Sharing Conditional Purchase Offer (CPO) Management System"; believed to be U.S. Application 09/205,666 filed on December 4, 1998; assigned to Priceline.com Incorporated. (Applicants have enclosed a copy of PCT No. WO 00/34841, which claims priority from the above mentioned U.S. application.)
- 5. Applications to Jay S. Walker, et al., entitled "Method and Apparatus for Detecting and Deterring the Submission of Similar Offers in a Commerce System"; believed to be U.S. Applications 09/205,824 filed on December 4, 1998 and 09/224,907 filed on January 4, 1999; assigned to Priceline.com Incorporated. (Applicants have enclosed a copy of PCT No. WO 00/34842, which claims priority from the above mentioned U.S. applications.)

- 6. An Application to Jay S. Walker, et al., entitled "Dynamic Quality Control Conditional Purchase Offer (CPO) Management System"; believed to be U.S. Application 09/205,824 filed on December 4, 1998; assigned to Priceline.com Incorporated. (Applicants have enclosed a copy of PCT No. WO 00/34886, which claims priority from the above mentioned U.S. applications.)
- 7. An Application assigned to Savvio, Inc. (believed to also have used the names I-Countdown, LG Group, and Athena Technology Ventures), filing date unknown, possibly naming Karen Ha, Leonard "Leo" D. Spelt, Scott Gorton, Basem Asfoor, Edward Komissarchik, Gary Mansperger, as inventors. See the press release from Savvio.com included with this.
- 8. An Application to James Grossman, who is believed to be represented by Thomas E. Spath (Reg. No. 25,928), of Abelman, Frayne, & Schwab in New York, New York.
- 9. An Application assigned to VolumeBuy and/or Innovative Concepts Group, Inc., possibly entitled "Public Network-Based Order Pooling System," possibly filed on January 19, 1999 and naming as inventors Emanuel Leibzon, Valentina Leibzon, and/or Greg Perlman, with the attorneys of record possibly being Knobbe, Martens, Olson, and Bear LLP of Newport Beach, California.
- 10. Two utility applications filed on July 7, 1999 by iCoop, Inc, based upon provisional patent applications filed on January 22, 1999. The applications are discussed on iCoop's website at http://www.icoop.com/press pressreleases 2.htm, a copy of which is enclosed.
- 11. An application assigned to beMANY!, Inc., filing date unknown, possibly naming George Jankovic, Mircea Mihaescu, William Robinson, Virginia Bonker, Bradley Feld, Michael Hagan, Thomas Gieselmann, Patti Manual Hart, and/or Charles Katzas as inventors. See the press release from beMANY!, which is included with this IDS.

12. An application assigned to BazaarE.com, Inc., possibly naming Dr. Bala Veeramacheneni, Anil Kadiyala, Srikanth Chimata, Vishy Ganti, and Vamsi Naidu as inventors, and/or possibly listing Wilson Sonsini Goodrich & Rosati as attorneys of record. See the press release from BazaarE.com, Inc. included with this IDS.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted, AMIR ALON *ET AL*.

Dated: January 31, 2003

Thomas L. Éwing, Reg. No. 34,328

Attorney for Applicants Fenwick & West LLP 801 California Street

Mountain View, California 94041

Tel.: (415) 875-2336 Fax: (415) 281-1350